

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jul 08, 2022

SEAN F. McAVOY, CLERK

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9 UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

Case No.: 1:22-CR-02006-SMJ

12 Plaintiff,

Plea Agreement

13 v.

14 MIRANDA LOUISE WAHL,

15 Defendants.

16 Plaintiff United States of America, by and through Vanessa R. Waldref,  
17 United States Attorney the Eastern District of Washington, and Todd M. Swensen,  
18 Assistant United States Attorney for the Eastern District of Washington, and  
19 Defendant Miranda Louise Wahl ("Defendant"), both individually and by and  
20 through Defendant's counsel, Robin Emmans, agree to the following Plea  
21 Agreement.

22 1. Guilty Plea and Maximum Statutory Penalties:

23 Defendant agrees to enter a plea of guilty to Count 1 of the Indictment filed  
24 on January 11, 2022, which charges Defendant with False Statement During  
25 Purchase of a Firearm, in violation of 18 U.S.C. §§ 922(a)(6), 924(a)(2), a Class C  
26 felony.

27 Defendant understands that the following potential penalties apply:

- 28 a. a term of imprisonment of not more than 10 years;

- b. a term of supervised release of up to 3 years;
- c. a fine of up to \$250,000.00;
- d. restitution; and
- e. a \$100 special penalty assessment.

2. Supervised Release:

Defendant understands that if Defendant violates any condition of Defendant's supervised release, the Court may revoke Defendant's term of supervised release, and require Defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, up to the following terms:

- a. Five (5) years in prison if the offense that resulted in the term of Supervised Release is a class A felony,
- b. Three (3) years in prison if the offense that resulted in the term of Supervised Release is a class B felony, and/or
- c. Two (2) years in prison if the offense that resulted in the term of Supervised Release is a class C felony.

Accordingly, Defendant understands that if Defendant commits one or more violations of supervised release, Defendant could serve a total term of incarceration greater than the maximum sentence authorized by statute for Defendant's offense or offenses of conviction.

3. The Court is Not a Party to this Plea Agreement:

The Court is not a party to this Plea Agreement and may accept or reject it. Defendant acknowledges that no promises of any type have been made to Defendant with respect to the sentence the Court will impose in this matter.

Defendant understands the following:

- a. sentencing is a matter solely within the discretion of the Court;

- b. the Court is under no obligation to accept any recommendations made by the United States or Defendant;
- c. the Court will obtain an independent report and sentencing recommendation from the United States Probation Office;
- d. the Court may exercise its discretion to impose any sentence it deems appropriate, up to the statutory maximum penalties;
- e. the Court is required to consider the applicable range set forth in the United States Sentencing Guidelines, but may depart upward or downward under certain circumstances; and
- f. the Court may reject recommendations made by the United States or Defendant, and that will not be a basis for Defendant to withdraw from this Plea Agreement or Defendant's guilty plea.

4. Potential Immigration Consequences of Guilty Plea:

If Defendant is not a citizen of the United States, Defendant understands the following:

- a. pleading guilty in this case may have immigration consequences;
- b. a broad range of federal crimes may result in Defendant's removal from the United States, including the offense to which Defendant is pleading guilty;
- c. removal from the United States and other immigration consequences are the subject of separate proceedings; and
- d. no one, including Defendant's attorney or the Court, can predict with absolute certainty the effect of a federal conviction on Defendant's immigration status.

1 Defendant affirms that Defendant is knowingly, intelligently, and voluntarily  
2 pleading guilty as set forth in this Plea Agreement, regardless of any immigration  
3 consequences that Defendant's guilty plea may entail.

4 5. Waiver of Constitutional Rights:

5 Defendant understands that by entering this guilty plea, Defendant is  
6 knowingly and voluntarily waiving certain constitutional rights, including the  
7 following:

- 8 a. the right to a jury trial;
- 9 b. the right to see, hear and question the witnesses;
- 10 c. the right to remain silent at trial;
- 11 d. the right to testify at trial; and
- 12 e. the right to compel witnesses to testify.

13 While Defendant is waiving certain constitutional rights, Defendant  
14 understands that Defendant retains the right to be assisted by an attorney through  
15 the sentencing proceedings in this case and any direct appeal of Defendant's  
16 conviction and sentence, and that an attorney will be appointed at no cost if  
17 Defendant cannot afford to hire an attorney.

18 Defendant understands and agrees that any defense motions currently  
19 pending before the Court are mooted by this Plea Agreement, and Defendant  
20 expressly waives Defendant's right to bring any additional pretrial motions.

21 6. Elements of the Offense:

22 The United States and Defendant agree that in order to convict Defendant of  
23 making a False Statement During Purchase of a Firearm, in violation of 18 U.S.C.  
24 §§ 922(a)(6), 924(a)(2), the United States would have to prove the following  
25 beyond a reasonable doubt:

- 26 a. *First*, on or about August 1, 2021, within the Eastern District of  
27 Washington, Defendant knowingly made a false written  
28 statement a United States Department of Justice, Bureau of

1 Alcohol, Tobacco, Firearms and Explosives (ATF) Form 4473,  
2 *Firearms Transaction Record*, and to Cabela's, a licensed  
3 dealer of firearms;

4 b. *Second*, in connection with acquiring the Taurus Armas PT111  
5 G2 A pistol from Cabela's, Defendant made said false  
6 statement;

7 c. *Third*, said false statement was material; that is, the false  
8 statement influenced Cabela's into believing that the Taurus  
9 Armas PT111 G2 A pistol could be lawfully sold to Defendant.

10 7. Factual Basis and Statement of Facts:

11 The United States and Defendant stipulate and agree to the following: the  
12 facts set forth below are accurate; the United States could prove these facts beyond  
13 a reasonable doubt at trial; and these facts constitute an adequate factual basis for  
14 Defendant's guilty plea.

15 The United States and Defendant agree that this statement of facts does not  
16 preclude either party from presenting and arguing, for sentencing purposes,  
17 additional facts that are relevant to the Sentencing Guidelines computation or  
18 sentencing, unless otherwise prohibited in this Plea Agreement.

19 On or about August 1, 2021, Defendant and co-defendant Zebulon Ian  
20 Lister entered the Union Gap Cabela's and looked at several different handguns  
21 together. Eventually, Defendant completed a United States Department of Justice,  
22 Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Form 4473,  
23 *Firearms Transaction Record*, to purchase a Taurus Armas PT111 G2 A 9mm  
24 pistol, bearing serial number ACA447674. Defendant completed Section B of  
25 ATF Form 4473, affirming Defendant was the "Buyer" of the pistol. Defendant  
26 also checked "Yes" on Box 21.a. of ATF Form 4473 indicating that Defendant was  
27 in fact the "buyer of the firearm(s) listed on this form . . . ." Defendant certified in  
28 Box 22 of ATF Form 4473 that Defendant's answers in Section B were "true,

1 correct, and complete.” At the time Defendant was completing ATF Form 4473,  
2 Defendant knew that Defendant’s was not the actual buyer of the pistol, but that  
3 Defendant was purchasing said pistol for Lister.

4 After completing ATF Form 4473, Lister gave Defendant U.S. currency to  
5 pay for the pistol, who then gave the cash to a Cabela’s sales associated to  
6 complete the purchase of the pistol.

7 On or about August 9, 2021, Defendant and Lister returned to Cabela’s to  
8 retrieve the pistol. A Cabela’s sales associated gave Defendant a box containing  
9 the pistol. Defendant and Lister then walked away from the sales counter to exit  
10 the store, at which time Defendant gave the box to Lister. At the time Defendant  
11 purchased the pistol for Lister, Defendant knew Lister was a convicted felon.  
12 Defendant acknowledges that Defendant’s false statement as to the actual buyer  
13 was material to Cabela’s believing that the pistol could be lawfully sold to  
14 Defendant.

15 On or about August 10, 2021, Defendant called the police to report that  
16 Lister had stolen Defendant’s recently purchased firearm.

17 8. The United States’ Agreements:

18 The United States Attorney’s Office for the Eastern District of Washington  
19 agrees not to bring additional charges against Defendant based on information in  
20 its possession at the time of this Plea Agreement that arise from conduct that is  
21 either charged in the Indictment or identified in discovery produced in this case,  
22 unless Defendant breaches this Plea Agreement before sentencing.

23 9. United States Sentencing Guidelines Calculations:

24 Defendant understands and acknowledges that the United States Sentencing  
25 Guidelines (“U.S.S.G.” or “Guidelines”) apply and that the Court will determine  
26 Defendant’s advisory range at the time of sentencing, pursuant to the Guidelines.  
27 The United States and Defendant agree to the following Guidelines calculations.

28 //



1           a.     *Base Offense Level:*

2           The United States and the Defendant agree that the base offense level for  
3 False Statement During Purchase of a Firearm is 12. U.S.S.G. § 2K2.1(a)(6).

4           b.     *Special Offense Characteristics:*

5           The parties have no agreement as to the applicability of any specific offense  
6 characteristics.

7           c.     *Acceptance of Responsibility:*

8           The United States will recommend that Defendant receive a two (2)-level  
9 downward adjustment for acceptance of responsibility, pursuant to U.S.S.G.  
10 § 3E1.1(a), (b), if Defendant does the following:

- 11                   i.     accepts this Plea Agreement;
- 12                   ii.    enters a guilty plea at the first Court hearing that takes  
13                           place after the United States offers this Plea Agreement;
- 14                   iii.   demonstrates recognition and affirmative acceptance of  
15                           Defendant's personal responsibility for Defendant's  
16                           criminal conduct;
- 17                   iv.    provides complete and accurate information during the  
18                           sentencing process; and
- 19                   v.     does not commit any obstructive conduct.

20           The United States and Defendant agree that at its option and on written  
21 notice to Defendant, the United States may elect not to recommend a reduction for  
22 acceptance of responsibility if, prior to the imposition of sentence, Defendant is  
23 charged with, or convicted of, any criminal offense, or if Defendant tests positive  
24 for any controlled substance.

25           d.     No Other Agreements:

26           The United States and Defendant have no other agreements regarding the  
27 Guidelines or the application of any Guidelines enhancements, departures, or  
28 variances. Defendant understands and acknowledges that the United States is free

1 to make any sentencing arguments it sees fit, including arguments arising from  
2 Defendant's uncharged conduct, conduct set forth in charges that will be dismissed  
3 pursuant to this Agreement, and Defendant's relevant conduct.

4 e. *Criminal History:*

5 The United States and Defendant have no agreement and make no  
6 representations about Defendant's criminal history category, which will be  
7 determined by the Court after the United States Probation Office prepares and  
8 discloses a Presentence Investigative Report.

9 10. Incarceration:

10 The United States agrees to recommend a sentence of five (5) months  
11 imprisonment.

12 Defendant may recommend any legal sentence.

13 11. Supervised Release:

14 The United States and Defendant each agree to recommend three (3) years  
15 of supervised release. Defendant agrees that the Court's decision regarding the  
16 conditions of Defendant's Supervised Release is final and non-appealable; that is,  
17 even if Defendant is unhappy with the conditions of Supervised Release ordered by  
18 the Court, that will not be a basis for Defendant to withdraw Defendant's guilty  
19 plea, withdraw from this Plea Agreement, or appeal Defendant's conviction,  
20 sentence, or any term of Supervised Release.

21 The United States and Defendant agree to recommend that in addition to the  
22 standard conditions of supervised release imposed in all cases in this District, the  
23 Court should also impose the following conditions:

- 24 a. The United States Probation Officer may conduct, upon  
25 reasonable suspicion, and with or without notice, a search of  
26 Defendant's person, residences, offices, vehicles, belongings,  
27 and areas under Defendant's exclusive or joint control.  
28



1 b. Defendant shall participate and complete such drug testing and  
2 drug treatment programs as the Probation Officer directs.

3 c. Defendant shall complete mental health evaluations and  
4 treatment, including taking medications prescribed by the  
5 treatment provider. Defendant shall allow reciprocal release of  
6 information between the Probation Officer and the treatment  
7 provider. Defendant shall contribute to the cost of treatment  
8 according to the Defendant's ability.

9 12. Criminal Fine:

10 The United States and Defendant may make any recommendation  
11 concerning the imposition of a criminal fine. Defendant acknowledges that the  
12 Court's decision regarding a fine is final and non-appealable; that is, even if  
13 Defendant is unhappy with a fine ordered by the Court, that will not be a basis for  
14 Defendant to withdraw Defendant's guilty plea, withdraw from this Plea  
15 Agreement, or appeal Defendant's conviction, sentence, or fine.

16 13. Judicial Forfeiture:

17 Defendant agrees to voluntarily forfeit any and all right, title and interest he  
18 has in the following listed firearm in favor of the United States:

19 - Taurus Armas PT111 G2 pistol, bearing serial number ACA447674.

20 Defendant acknowledges that the firearm covered by this Agreement is  
21 subject to forfeiture as property facilitating or involved in illegal conduct in  
22 violation of 18 U.S.C. §§ 922(a)(6), 924(a)(2), Felon in Possession of a Firearm,  
23 and is therefore forfeitable to the United States pursuant to 18 U.S.C. § 924(d)(1)  
24 and 28 U.S.C. § 2461(c).

25 Defendant agrees to take all steps as requested by the United States to pass  
26 clear title to the assets to the United States and to testify truthfully in any forfeiture  
27 proceeding.

1 Defendant agrees to hold all law enforcement and the United States, its  
2 agents, and its employees harmless from any claims whatsoever arising in  
3 connection with the seizure and forfeiture of any asset(s) covered by this  
4 agreement. Defendant consents to the forfeiture and disposal of assets without  
5 further notice.

6 Defendant further agrees to waive all constitutional, equitable and statutory  
7 challenges in any manner (including direct appeal, habeas corpus, or any other  
8 means) to any forfeiture carried out in accordance with this Plea Agreement on any  
9 grounds, including that the forfeiture constitutes an excessive fine or punishment.

10 Defendant knowingly and voluntarily waives his right to a jury trial on the  
11 forfeiture of the asset(s).

12 Defendant waives oral pronouncement of forfeiture at the time of  
13 sentencing, and any defects that may pertain to the forfeiture.

14 14. Mandatory Special Penalty Assessment:

15 Defendant agrees to pay the \$100 mandatory special penalty assessment to  
16 the Clerk of Court for the Eastern District of Washington, pursuant to 18 U.S.C.  
17 § 3013.

18 15. Payments While Incarcerated:

19 If Defendant lacks the financial resources to pay the monetary obligations  
20 imposed by the Court, Defendant agrees to earn money toward these obligations by  
21 participating in the Bureau of Prisons' Inmate Financial Responsibility Program.

22 16. Additional Violations of Law Can Void Plea Agreement:

23 The United States and Defendant agree that the United States may, at its  
24 option and upon written notice to the Defendant, withdraw from this Plea  
25 Agreement or modify its sentencing recommendation if, prior to the imposition of  
26 sentence, Defendant is charged with or convicted of any criminal offense or tests  
27 positive for any controlled substance.

28 //

1           17.   Waiver of Appeal Rights:

2           Defendant understands that Defendant has a limited right to appeal or  
3 challenge Defendant's conviction and the sentence imposed by the Court.

4           Defendant expressly waives all of Defendant's rights to appeal Defendant's  
5 conviction and the sentence the Court imposes.

6           Defendant expressly waives Defendant's right to appeal any fine, term of  
7 supervised release, or restitution order imposed by the Court.

8           Defendant expressly waives the right to file any post-conviction motion  
9 attacking Defendant's conviction and sentence, including a motion pursuant to 28  
10 U.S.C. § 2255, except one based on ineffective assistance of counsel arising from  
11 information not now known by Defendant and which, in the exercise of due  
12 diligence, Defendant could not know by the time the Court imposes sentence.

13           Nothing in this Plea Agreement shall preclude the United States from  
14 opposing any post-conviction motion for a reduction of sentence or other attack  
15 upon the conviction or sentence, including, but not limited to, writ of habeas  
16 corpus proceedings brought pursuant to 28 U.S.C. § 2255.

17           18.   Compassionate Release:

18           In consideration for the benefits Defendant is receiving under the terms of  
19 this Plea Agreement, Defendant expressly waives Defendant's right to bring any  
20 motion for Compassionate Release other than a motion arising from one of the  
21 specific bases set forth in this paragraph of this Plea Agreement. The United States  
22 retains the right to oppose, on any basis, any motion Defendant files for  
23 Compassionate Release.

24           The only bases on which Defendant may file a motion for Compassionate  
25 Release in the Eastern District of Washington are the following:

26                   a.    *Medical Condition of Defendant:*

- 27                           i.    Defendant is suffering from a terminal illness (i.e., a  
28                                serious and advanced illness with an end-of-life

1 trajectory). A specific prognosis of life expectancy (i.e.,  
2 a probability of death within a specific time period) is not  
3 required. Examples include metastatic solid-tumor  
4 cancer, amyotrophic lateral sclerosis (ALS), end-stage  
5 organ disease, and advanced dementia; or

- 6 ii. Defendant is suffering from a serious physical or medical  
7 condition, a serious functional or cognitive impairment,  
8 or deteriorating physical or mental health because of the  
9 aging process that substantially diminishes the ability of  
10 the defendant to provide self-care within the environment  
11 of a correctional facility and from which Defendant is not  
12 expected to recover.

13 b. *Age of Defendant:*

- 14 i. Defendant is at least 65 years old, is experiencing a  
15 serious deterioration in physical or mental health because  
16 of the aging process; and has served at least 10 years or  
17 75 percent of Defendant's term of imprisonment,  
18 whichever is less; or

- 19 ii. Defendant is at least 70 years old and has served at least  
20 30 years in prison pursuant to a sentence imposed under  
21 18 U.S.C. § 3559(c) for the offense or offenses for which  
22 Defendant is imprisoned.

23 c. *Family Circumstances:*

- 24 i. The caregiver of Defendant's minor child or children has  
25 died or become incapacitated, and Defendant is the only  
26 available caregiver for Defendant's minor child or  
27 children; or  
28

1                   ii. Defendant's spouse or registered partner has become  
2                   incapacitated, and Defendant is the only available  
3                   caregiver for Defendant's spouse or registered partner.

4           d. *Subsequent Reduction to Mandatory Sentence:*

5                   i. Defendant pleaded guilty to an offense which, on the date  
6                   of Defendant's guilty plea, carried a mandatory minimum  
7                   sentence; and

8                   ii. after the entry of judgment, the length of the mandatory  
9                   minimum sentence for Defendant's offense of conviction  
10                  was reduced by a change in the law; and

11                  iii. the application of the reduced mandatory minimum  
12                  sentence would result in Defendant receiving a lower  
13                  overall sentence.

14           e. *Ineffective Assistance of Counsel:*

15                   i. Defendant seeks Compassionate Release based on a  
16                   claim of ineffective assistance of counsel arising from  
17                   information that Defendant both:

- 18                           1. did not know at the time of Defendant's guilty  
19                           plea, and  
20                           2. could not have known, in the exercise of due  
21                           diligence, at the time the Court imposed sentence.

22           19. Withdrawal or Vacatur of Defendant's Plea:

23           Should Defendant successfully move to withdraw from this Plea Agreement  
24           or should Defendant's conviction be set aside, vacated, reversed, or dismissed  
25           under any circumstance, then:

- 26                   a. this Plea Agreement shall become null and void;  
27                   b. the United States may prosecute Defendant on all available  
28                   charges;

1 c. The United States may reinstate any counts that have been  
2 dismissed, have been superseded by the filing of another  
3 charging instrument, or were not charged because of this Plea  
4 Agreement; and

5 d. the United States may file any new charges that would  
6 otherwise be barred by this Plea Agreement.

7 The decision to pursue any or all of these options is solely in the discretion  
8 of the United States Attorney's Office.

9 Defendant agrees to waive any objections, motions, and defenses Defendant  
10 might have to the United States' decision about how to proceed, including a claim  
11 that the United States has violated Double Jeopardy.

12 Defendant agrees not to raise any objections based on the passage of time,  
13 including but not limited to, alleged violations of any statutes of limitation or any  
14 objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth  
15 Amendment.

16 20. Integration Clause:

17 The United States and Defendant acknowledge that this document  
18 constitutes the entire Plea Agreement between the United States and Defendant,  
19 and no other promises, agreements, or conditions exist between the United States  
20 and Defendant concerning the resolution of the case.

21 This Plea Agreement is binding only on the United States Attorney's Office  
22 for the Eastern District of Washington, and cannot bind other federal, state, or local  
23 authorities.

24 The United States and Defendant agree that this Agreement cannot be  
25 modified except in a writing that is signed by the United States and Defendant.

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27 //

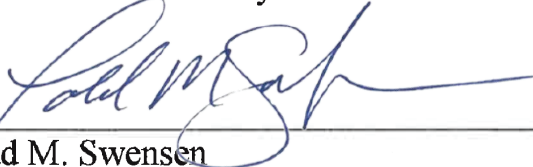
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Approvals and Signatures

Agreed and submitted on behalf of the United States Attorney's Office for the Eastern District of Washington.

Vanessa R. Waldref  
United States Attorney



Todd M. Swensen  
Assistant United States Attorney

6 July 2022

Date

I have read this Plea Agreement and I have carefully reviewed and discussed every part of this Plea Agreement with my attorney. I understand the terms of this Plea Agreement. I enter into this Plea Agreement knowingly, intelligently, and voluntarily. I have consulted with my attorney about my rights, I understand those rights, and I am satisfied with the representation of my attorney in this case. No other promises or inducements have been made to me, other than those contained in this Plea Agreement. No one has threatened or forced me in any way to enter into this Plea Agreement. I agree to plead guilty because I am guilty.



Miranda Louise Wahl  
Defendant

6-30-22

Date

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1 I have read the Plea Agreement and have discussed the contents of the  
2 agreement with my client. The Plea Agreement accurately and completely sets  
3 forth the entirety of the agreement between the parties. I concur in my client's  
4 decision to plead guilty as set forth in the Plea Agreement. There is no legal  
5 reason why the Court should not accept Defendant's guilty plea.

6 

7  
8 Robin Emmans  
9 Attorney for Defendant

6/30/22  
Date